ATTACHMENT 2

Friday
January 27, 1989

Part VI

Environmental Protection Agency

40 CFR Part 133

Amendment to the Secondary Treatment Regulation: Percent Removal Requirements During Dry Weather Periods for Treatment Works Served by Combined Sewers; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 133

[FRL-3433-7]

Amendment to the Secondary Treatment Regulation: Percent Removal Requirements During Dry Weather Periods for Treatment Works Served by Combined Sewers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends that portion of the EPA's secondary treatment regulation concerning the percent removal requirements during dry weather periods for treatment works served by combined sewers.

The secondary treatment regulation, originally promulgated in 1973, requires treatment works to meet both concentration-based effluent limitations for five-day biochemical oxygen demand (BOD_5) and total suspended solids (TSS) as well as an 85 percent removal requirement for these pollutants. The percent removal requirement was established to encourage municipalities to correct excessive infiltration and inflow (I/I) in their sewer systems and to prevent intentional dilution of the wastewater. When the regulation was amended in June 1985 to set separate limits for equivalent treatment (i.e., trickling filters and waste stabilization ponds), a 65 percent removal requirement was included for equivalent treatment facilities. Additionally, in June 1985, the Agency amended the regulation to allow additional flexibility in applying the percent removal requirements for separate sewer systems. The current regulation allows adjustment of the percent removal requirements during wet and dry weather periods for treatment works served by separate sewers provided that the treatment works meet certain criteria defined in § 133.103(d), "Less Concentrated Influent Wastewater for Separate Sewers." The current regulation also includes a provision authorizing adjustments to the percent removal requirements for treatment works served by combined sewers, but only during wet weather periods § 133.103(a)). It does not apply to treatment works served by combined sewers during dry weather periods.

After further consideration concerning the reference to 40 CFR 35.2005(b)(16) found in the proposed rule; it has been determined that the more specific reference is to 40 CFR 35.2005(b)(28). The final rule has been revised accordingly.

Today's rule amends the percent removal requirements to allow adjustments during dry weather periods for treatment works served by combined sewers, because nonexcessive infiltration can dilute the influent wastewater of treatment works served by combined sewers, just as it does for treatment works served by separate sewers.

This rule allows treatment works served by combined sewers an opportunity to request adjustments in the percent removal requirements for dry weather provided that the permittee meets the requirements specified in § 133.103(e).

DATES: In accordance with 40 CFR Part 23 (50 FR 7268, February 21, 1985), this regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on February 10, 1989. This regulation shall become effective February 27, 1989.

Under section 509(b)(1) of the Clean Water Act, judicial review of this regulation can be made only by filing a petition for review in the United States Court of Appeals within 120 days after the regulation is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The record for the final rule will be available for public review at the EPA Public Information Reference Unit, Room 2904 (EPA Library).

FOR FURTHER INFORMATION CONTACT: Randy Revetta, Office of Municipal Pollution Control (WH-595), Environmental Protection Agency, Washington, DC 20460, 202-382-7370.

SUPPLEMENTARY INFORMATION:

A. The EPA's Previous Actions on the Percent Removal Requirements

On August 17, 1973, the Agency defined the secondary treatment requirements for treatment works as the achievement of 30 mg/1 BOD_5 and 30 mg/1 TSS and 85 percent removal of those pollutants on a 30 day average (40 CFR 133.102 (a) and (b)). The Agency based these limits on what were previously believed to be typical treatment works influent concentrations of 200 mg/1 for BOD_5 and TSS. In addition, the Agency included a provision in § 133.103(a) of the original secondary treatment regulation allowing adjustment of the 85 percent removal requirement during wet weather periods for treatment works served by combined sewers.

In response to information that in some cases the 85 percent removal requirement resulted in forcing advanced treatment levels on some treatment works with dilute influent wastewater, the Agency, on November 16, 1983 issued a Federal Register notice soliciting public comment on a number of options for amending the percent removal requirement (48 FR 52258). Based on the public comments received in response to the notice, the Agency proposed an amendment to the percent removal requirement on September 20, 1984 that would authorize a mofication of the percent removal requirement for treatment works served by separate sewers if they demonstrated: (1) That they consistently met their concentration-based limitations; (2) that to meet the percent removal requirement, the treatment works would have to meet significantly more stringent concentration-based limitations; and (3) that the less concentrated influent wastewater to the treatment works was not a result of excessive infiltration and inflow (49 FR 37010).

In response to public comments, the Agency modified the title to read, "Less Concentrated Influent Wastewater for Separate Sewers." In addition, the EPA determined that the final amendment should apply to both the 85 and the new 65 percent removal requirements for equivalent treatment. The final amendment was published in the Federal Register on June 3, 1985 (50 FR 23282).

B. Challenge to the Final Amendment

On September 16, 1985, the City of New York filed a petition to review the percent removal amendment for separate sewers: *City of New York* v. *Environmental Protection Agency*, No. 85-4142 (2d Cir. 1985). New York, which has combined sewers, pointed out that treatment works served by combined sewers should also be eligible for adjustment of the percent removal requirements during dry weather periods. This was based on the concern that nonexcessive infiltration can dilute the influent wastewater of treatment works served by combined sewers just as it does for treatment works served by separate sewers.

C. Settlement Agreement

On January 7, 1986, the Agency and the City of New York filed a settlement agreement with the court. Today's rule is in fulfillment of the obligation under the consent decree. In the settlement agreement, the Agency agreed to initiate

and take final action on a rulemaking proceeding concerning whether the secondary treatment regulation should be amended to allow the permit-issuing authority to establish alternative percentage removal requirements for treatment works served by combined sewer systems during dry weather periods.

The agreement provided that such final Agency action may either be:

(1) the promulgation of an amendment to the secondary treatment regulation addressing the percentage removal requirements during dry weather periods for treatment works served by combined sewers; or

(2) a decision not to amend the secondary treatment regulation with a written explanation for the decision.

D. Background on Adjustment of the Percent Removal Requirement

1. Correction of Infiltration and Inflow

Under section 201(g)(3) of the Clean Water Act (33 U.S.C. 1281(g)(3)) and EPA's construction grant regulations (40 CFR 32.2005(b)(16), (28), (29) and 35.2120, grants for the construction of treatment works cannot be made unless an applicant has demonstrated that the sewer system is not, or will not be, subject to excessive infiltration and inflow ("I/I"). For the purposes of EPA's construction grants program, the Agency has defined "excessive I/I" as quantities of I/I that can be economically eliminated from a sewer system. Excessive I/I is determined from a cost-effectiveness analysis that compares the costs of correcting the I/I conditions (plus the costs of transporting and treating the remaining I/I) to the total costs of the alternative—transporting and treating all of the I/I.

Further definition of the individual components of I/I may be found in 40 CFR 35.2005(b) (28) and (29) titled "Nonexcessive infiltration" and "Nonexcessive inflow."

Theoretically, the percent removal requirements impose more stringent levels of treatment than the concentration-based limits for BOD_5 and TSS until the municipality corrects the causes of the less concentrated wastewater in the sewer system. This regulatory approach is based on the assumption that a municipality can take corrective measures to reduce I/I that are less costly than providing additional hydraulic capacity in the sewer system and at the treatment plant.

In 1973, the Agency believed that from 70 to 100 percent of the excessive I/I problem could be corrected through cost-effective sewer system rehabilitation. However, subsequent information ("Evaluation of Infiltration/Inflow Program" unpublished draft technical reports, 1979 and 1980) indicated that sewer rehabilitation is far less effective than formerly expected. In fact, cost-effective sewer rehabilitation was found to remove only up to 40 percent of the estimated infiltration. Accordingly, even large expenditures for the correction of I/I could produce only a small ultimate reduction of infiltration. As a result influent BOD_5 and TSS concentrations have often remained below 200 mg/l even after cost-effective correction of excessive infiltration sources.

2. Expected Influent Concentration Under Allowable I/I Conditions

The Agency has determined that the correction of excessive infiltration is likely to be unsuccessful for sewer systems with a dry weather base flow of up to 120 gallons per capita per day (gpcd). This figure is based on the following typical values: 70 gpcd domestic wastewater flow, 10 gpcd commercial and small industrial wastewater flow, and 40 gpcd nonexcessive infiltration flow. Please note that the 120 gpcd figure includes dry weather inflow (non-rainfall induced) which is considered a minimal contributory factor to the total dry weather flow and furthermore, is indistinguishable as a separate flow component. If the dry weather base flow within the sewer system is less than 120 gpcd, no further infiltration correction work is required. The 120 gpcd figure is only a threshold value, and permittees may determine that even higher values of infiltration are nonexcessive through a cost-effective evaluation on a case-by-case sewer system basis.

3. Excessive-Nonexcessive Flow Study

In 1974 the Agency used historical records from water utilities to determine that the average non-consumptive water usage (i.e., water returned to the sewer system) in the United States is approximately 70 gpcd for domestic flows and 10 gpcd for commercial and small industrial flows. These estimates were used for the cost-effectiveness guidelines promulgated by EPA as part of the construction grant regulations (40 CFR Part 35).

The difference between the total dry weather base flow used for construction grant funding purposes, 120 gpcd, and 80 gpcd (i.e. 70+10) is the portion attributable to nonexcessive infiltration (e.g., 40 gpcd). The Agency reviewed data from numerous I/I analyses and sewer system evaluation studies and determined that the typical value for nonexcessive infiltration nationwide is 1500 gallons per day per inch diameter per mile of sewer (gpdim). The 1500 gpdim value was used in the construction grant program (Program Requirements Memorandum 78-10, March 17, 1978) as the threshold value to determine where more extensive sewer system evaluation would be required (i.e., infiltration less than 1500 gpdim was considered nonexcessive and did not require any further sewer system analysis). Using the estimated national averages for pipe diameters and length of pipe per capita, 1500 gpdim converts to 40 gpcd for nonexcessive infiltration.

Using 40 gpcd for nonexcessive infiltration, 10 gpcd for commercial and small industrial flow, and 70 gpcd for domestic flow, the total dry weather base flow calculated by the Agency for municipal wastewater treatment plants (i.e., wastewater plus nonexcessive infiltration) equals 120 gpcd (70+10+40). Data used for this calculation did not distinguish between separate and combined sewer systems and in fact were for both types of systems.

E. Treatment Works Served by Combined Sewers

Combined sewers are sewer systems designed to convey stormwater (mostly from street curb inlets and area drains) in addition to domestic sanitary sewage and commercial and small industrial wastewater. During storm events, combined sewer systems are subject to large increases in flow due to either rainwater or snowmelt that enters the system. Combined sewer systems are generally operated to convey the maximum feasible amount of combined wastewater and stormwater to the treatment works. The excess, which is often the larger portion of the flow during storms, is discharged from the system at several overflow points before reaching the treatment plant. The dramatic storm-related increase in flow which can occur at treatment plants served by combined sewer systems led to the inclusion of § 133.103(a) in the original secondary treatment regulations to allow either adjustment or suspension of the percent removal requirements during wet weather periods.

F. Determination of Nonexcessive Flow in Combined Sewers During Dry Weather Conditions

In fulfillment of the Settlement Agreement, the Agency analyzed § 133.103(d) of the secondary treatment regulation to determine if the language in that section should apply to systems with combined sewers as well as separate sewers.

The Agency's analysis of § 133.103(d) centered specifically on the provision requiring that the less concentrated influent wastewater not result from excessive I/I. Section 133.103(d) relies on definitions of excessive I/I, nonexcessive infiltration, and nonexcessive inflow found in 40 CFR 35.2005(b) (16), (28) and (29). According to those definitions infiltration is nonexcessive if the average dry weather base flow to the treatment works (i.e., wastewater plus infiltration) is less than 120 (gpcd), or if that portion of the dry weather base flow attributed to infiltration (40 gpcd) cannot be economically and effectively eliminated.

G. Threshold Value for Combined Sewers During Dry Weather Conditions

The Agency believes that the threshold value of 120 gpcd should be applied to treatment works served by combined sewers during dry weather conditions for the following reasons. First, as discussed above in Section D.3 ("Excessive-Nonexcessive Flow Study"), the 120 gpcd value was derived in a study that examined both combined and separate sewers. Secondly, the Agency compared the 120 gpcd figure with data from: (1) 1980 Agency study, "Evaluation of the Infiltration/Inflow Program" (final draft report (EPA–68–01–4913)); and (2) field measurements of wastewater flows developed from sewer system studies conducted by private contractors and submitted to the Agency. These data support the 120 gpcd figure as a valid threshold for either combined or separate sewer systems. The Agency believes, therefore, that the 120 gpcd limit should apply equally to treatment works served by either separate or combined sewers during dry weather.

Exclusion From the 120 gpcd Threshold of Industrial Discharges that Cause Interference

Today's rule provides that a permittee may not obtain a modification of its percent removal requirements if its less concentrated influent is due either to excessive infiltration or clear water industrial discharges or a combination of both. The Agency recognizes that less concentrated influent to municipal sewer systems does not necessarily, but in some instances may, hydraulically overload a treatment works in addition to diluting the influent. If less concentrated influent to a treatment works is caused in whole or in part by clear water industrial discharges, then the Agency expects the treatment works to control such discharges rather than seek a modification of its percent removal requirements. Local sewer ordinances, as directed by the pretreatment regulations (40 CFR Part 403; 54 FR 1586), should be enforced to prevent such hydraulic overloading.

The Agency is primarily concerned with clear water industrial discharges. The Agency considers clear water industrial discharges to include, but not be limited to, noncontact cooling water discharges or other discharges which do not contain pollutants in sufficient quantity to otherwise be of concern.

H. Applying the Amendment

Today's rulemaking applies only during dry weather periods for treatment works served by combined sewers. To obtain an adjustment in the percent removal requirements during dry weather under the rule, treatment works served by combined sewers must satisfy three conditions. First, the treatment works must consistently meet its permit effluent concentration limitations, but the percent removal requirements cannot be met due to less concentrated influent wastewater. Second, significantly more stringent effluent concentration than required by the concentration-based standards must be met to comply with the percent removal requirements and, third, the less concentrated influent wastewater must not result from either excessive infiltration or clear water industrial discharges to the system.

If the average dry weather base flow (i.e., the total of the wastewater flow plus infiltration) in a combined sewer system is less than the 120 gpcd threshold value, infiltration is assumed to be nonexcessive. However, sewer systems with average dry weather flows greater than 120 gpcd may also have nonexcessive infiltration if this is demonstrated on a case-by-case basis (i.e., the infiltration can not be cost-effectively reduced). A permittee would have the opportunity to demonstrate on a case-by-case basis that its combined sewer system is not subject to excessive infiltration even if the average total dry weather base flow exceeds the 120 gpcd threshold value.

I. Response to Comments on the Proposed Amendment to the Percent Removal Requirements

This section of the preamble addresses the comments received on the September 17, 1987 notice.

(1) One commenter suggested that the limiting value for nonexcessive infiltration for combined sewers should be set higher than 40 gallons per capita per day (gpcd). This comment was based on a concern that the limiting value is derived from estimated national averages for pipe diameters and lengths, but the average pipe diameter in a combined sewer system is significantly larger than the average diameter in a separately sewered drainage area. Therefore, the commenter believes that the 40 gpcd understates the expected average per capita infiltration into combined sewers.

The regulation has been revised to reflect this comment. Indeed, the typical value for the nonexcessive infiltration, nationwide, is 1500 gallons per day per inch diameter per mile of sewer (gpdim) and, by using the estimated national averages for pipe diameters and lengths of pipe per capita, the 1500 gpdim converts to 40 gpcd for nonexcessive infiltration. Because the data used for this calculation did not distinguish between separate and combined systems, and in fact were for both types of systems, either 1500 gpdim or 40 gpcd may be used as the threshold value for nonexcessive infiltration determination.

A permittee would have the opportunity to demonstrate, on a case-by-case basis, that its combined sewer system is not subject to excessive infiltration as follows:

Option A. Demonstrate that infiltration is less than 40 gpcd. If it is higher than 40 gpcd, then demonstrate that it is not cost effective to remove it; or,

Option B. Demonstrate that infiltration is less than 1500 gpdim. If it is higher than 1500 gpdim, then demonstrate that it is not cost effective to remove it.

(2) One commenter suggested that a limiting nonexcessive gpcd total flow should include normal dry weather inflow such as vehicle, street, sidewalk washing, lawn watering and other dry weather surface runoff.

No data were presented during the comment period to contradict the Agency's belief that normal dry weather inflow to combined sewers is negligible. The threshold value for infiltration, 40 gpcd or 1500 gpdim, was developed based upon a study of both separate and combined sewers during dry weather and would thus reflect any normal dry weather inflow into combined sewers.

(3) A concern was raised whether the proposed rule would take into account those municipalities that previously demonstrated non-excessive I/I under the September 27, 1978 construction grant regulations.

Permittees who performed studies demonstrating nonexcessive I/I under the September 27, 1978 construction grant regulations may be able to use the same studies to support an application for a lower percent removal requirement. Permittees wishing to apply for a lower percent removal

requirement or a mass loading limit in place of percent removal requirements must demonstrate to the Regional Administrator or State Director that their less concentrated influent wastewater does not result from either excessive infiltration or clear water industrial discharges during dry weather. The Regional Administrator or State Director will, on a case-by-case basis, determine if the data presented by the permittee, including studies performed at some time in the past, are sufficient for the demonstration.

(4) Another commenter asked if the threshold value of 120 gpcd should be checked under low groundwater conditions to minimize inflow from cellar drains, etc., during dry weather.

The threshold value should not be checked under low groundwater conditions. The determination of excessive infiltration is based on the highest average daily flow recorded over a 7 to 14 day period during a period of seasonal high groundwater.

(5) Also raised was the issue of how a permittee is treated if the 120 gpcd check is passed, but the 275 gpcd check is not, or vice-versa.

The 275 gpcd check applies to wet weather flow in a separate sewer system and has nothing to do with dry weather flow in a combined sewer system. If a POTW service area consists of both separate and combined sewers then the separate sewer subsystem must meet both the 120 gpcd and the 275 gpcd while the combined sewer subsystem must meet the 120 gpcd or other threshold values as demonstrated on a case-by-case basis.

(6) It was noted that the presence of less concentrated influent, at acceptable flows, does not necessarily constitute a hydraulic overload to the system as indicated in Section F.4 of the preamble to the September 17, 1987 notice.

The Agency recognizes that the discharge of less concentrated influent to municipal sewer systems does not necessarily constitute a hydraulic overload, but may in some instances hydraulically overload a treatment works in addition to diluting the influent.

(7) Concern was expressed about the use of the term "clear water" as too vague and suggested that it should not be used.

The Agency considers clear water industrial discharges to include, but not be limited to, non-contact cooling water discharges or other discharges which do not contain pollutants in sufficient quantity to otherwise be of concern.

(8) A recommendation was made that one area which should be addressed with respect to dry weather conditions during summer months in urban areas is the illegal opening of fire hydrants and legal fire hydrant sprinkle caps. The commenter maintains that these sources may significantly increase flow and decrease the influent strength.

The illegal opening of fire hydrants is a controllable source of inflow to combined sewers and is not justification for reduced percent removal requirements. As noted earlier, the 120 gpcd includes normal dry weather inflow into combined sewers. Permittees having uncontrollable sources of inflow have the option of demonstrating that flow above 120 gpcd can not be cost effectively eliminated.

(9) A comment was received concerning the construction of a storage tunnel to capture the overflow from combined sewers during a storm. The commenter was concerned whether the days of release of captured wastewater should be considered as dry weather or wet weather days.

Section 133.103(a) in the original secondary treatment regulation allows either adjustment or suspension of the percent removal requirements during wet weather periods for combined sewers. Today's rulemaking, new § 133.103(e) allows adjustment of percent removal requirements for treatment works served by combined sewers during dry weather under certain conditions. The permit-issuing authority will ultimately establish the applicability of wet weather or dry weather days on an individual basis. The permittee would then have the opportunity to apply for adjustment under either § 133.103 (a) or (e), consistent with the permit-issuing authority's determination regarding which sub-section applies.

(10) Concern was raised that the terms "wet weather" and "dry weather" are not defined.

Neither the proposed rule, nor the existing regulations define the terms dry weather and wet weather because any attempt to describe these terms, with respect to intensity and/or frequency parameters, would only limit the application of such a regulation on a national level. Each permittee has the opportunity to demonstrate dry weather and wet weather conditions on a case-by-case basis.

(11) It was also noted that the option of a mass loading limit should apply to the regulation for combined sewers during wet weather periods, § 133.103(a), and that same amendment should include references to §§ 133.102(a)(4)(iii) and 133.105(e)(1)(iii) regarding the adjustment of percent removal requirements.

These comments refer to technical changes to an existing regulation and are beyond the scope of today's rulemaking.

J. Regulatory Reviews

1. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of major regulations. Major rules are those that impose a cost on the economy of $100 million or more annually or have certain other economic impacts. This regulation is not a major rule because it meets none of the criteria of a major rule as set forth in Section 1(b) of the Executive Order. The rule has been submitted to the Office of Management and Budget (OMB) for review.

2. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA must submit a copy of any proposed rule that contains a collection of information requirements to the Director of OMB for review and approval. The Agency determined that this regulation does not contain information collection requirements.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare an initial regulatory flexibility analysis for all regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of an Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Since this regulation allows permitting authorities to adjust the percent removal requirements for communities served by combined sewers, the operation and maintenance costs of existing facilities may be reduced. However, the estimates of ultimate benefits (i.e., cost reductions) that will accrue as a result of this amendment are uncertain. The uncertainty stems largely from insufficient flow data for communities with combined sewer systems. Although the quantification of costs and benefits is not possible, the Agency believes that this rule will result in cost savings. Accordingly, the Administrator certifies, pursuant to 5 U.S.C. 605(b), that this final regulation will not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 133

Treatment works, waste treatment and disposal, Water pollution control.

Date: January 19, 1989.

Lee M. Thomas,

Administrator.

For the reasons set forth in the preamble, EPA is amending 40 CFR Part 133 as follows:

PART 133—SECONDARY TREATMENT REGULATION

1. The authority citation for Part 133 continues to read as follows:

Authority: Sections 301(b)(1)(B), 304(d)(10), 304(d)(4), 308, and 501 of the Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and the Municipal Wastewater Treatment Construction Grant Amendments of 1981; 33 U.S.C. 1311(b)(1)(B), 1314(d) (1) and (4), 1318, and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217; 95 Stat. 1623, Pub. L. 97–117.

2. Section 133.103 is amended by adding a new paragraph (e) to read as follows:

§ 133.103 Special considerations.

* * * * *

(e) Less concentrated influent wastewater for combined sewers during dry weather. The Regional Administrator or, if appropriate, the State Director is authorized to substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements set forth in §§ 133.102(a)(3), 133.102(a)(4)(iii), 133.102(b)(3), 133.105(a)(3), 133.105(b)(3) and 133.105(e)(1)(iii) provided that the permittee satisfactorily demonstrates that: (1) The treatment works is consistently meeting, or will consistently meet, its permit effluent concentration limits, but the percent removal requirements cannot be met due to less concentrated influent wastewater; (2) to meet the percent removal requirements, the treatment works would have to achieve significantly more stringent effluent concentrations than would otherwise be required by the concentration-based standards; and (3) the less concentrated influent wastewater does not result from either excessive infiltration or clear water industrial discharges during dry weather periods. The determination of whether the less concentrated wastewater results from excessive infiltration is discussed in 40 CFR 35.2005(b)(28), plus the additional criterion that either 40 gallons per capita per day (gpcd) or 1500 gallons per inch diameter per mile of sewer (gpdim) may be used as the threshold value for that portion of the dry weather base flow attributed to infiltration. If the less concentrated influent wastewater is the result of clear water industrial discharges, then the treatment works must control such discharges pursuant to 40 CFR Part 403.

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